

48A C.J.S. Judges § 58

Corpus Juris Secundum | August 2023 Update

Judges

Joseph Bassano, J.D.; Khara Singer-Mack, J.D.; Thomas Muskus, J.D.; Karl Oakes, J.D. and Jeffrey J. Shampo, J.D.

III. Term and Tenure of Office; Vacancy

D. Duration of Term

§ 58. As affected by time of commencement

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West's Key Number Digest

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Whether a judge is entitled to hold his or her office for the full term fixed by law, regardless of the time when his or her incumbency began, depends on the particular constitutional or statutory provision applicable.

Whether a judge is entitled to hold his or her office for the full term fixed by law, regardless of the time when his or her incumbency began, depends on the particular constitutional or statutory provision applicable.¹ In some jurisdictions, certain judges hold their offices for full terms although chosen before the expiration of the term for which their predecessors were commissioned.² In other jurisdictions, it is intended that one full judicial term must follow another full term with no break in the regular and connected succession.³ In still other jurisdictions, although the constitution may fix the length of judicial terms and contemplate that the terms of all judges of a designated grade in the state terminate at the same time, the legislature, in increasing the number of such judges, may provide that the terms of the first judges elected expire at the next general election.⁴

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Footnotes

- 1 Tenn.—*State v. Maloney*, 92 Tenn. 62, 20 S.W. 419 (1892).
- 2 Neb.—*Garrotto v. McManus*, 185 Neb. 644, 177 N.W.2d 570 (1970).
- 3 Cal.—*Brown v. Hite*, 64 Cal. 2d 120, 48 Cal. Rptr. 869, 410 P.2d 373 (1966).
- 4 N.M.—*State ex rel. Swope v. Mechem*, 1954-NMSC-011, 58 N.M. 1, 265 P.2d 336 (1954).

As to the tenure of persons selected to fill vacancies resulting from the creation of a new judicial office, see § 86.

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